

CRIMINAL DOCKET U.S. District Court

NEW SENTENCING GUIDELINES

PO	<input type="checkbox"/> 0975	Assigned 7511	VS.	LATTA, ELWOOD R.	Case Filed Mo. 11 23 88	Def. DAE	Docket No. 88 01650	Def.
Misd.	<input type="checkbox"/>	7511			Yr. 01			
Felony	<input checked="" type="checkbox"/>	District	Off.	Judge/Magistr.	No. of Def's 1	U.S. MAG.	CASE NO. 01	

U.S. TITLE/SECTION		OFFENSES CHARGED		ORIGINAL COUNTS		DISM.	DISM.	GUilty
				CT 1,2	2	2	<input type="checkbox"/>	X
18:494 ; 18:2		Falsely alter writing (1988)		CT 3,4	2	2	<input type="checkbox"/>	X
18:494		Utter/Publish an altered writing (1988)		CT 5,6	2	2	<input type="checkbox"/>	X
18:1001		False Statement (1988)					<input type="checkbox"/>	

I. CHARGES

II. KEY DATES

INTERVAL ONE		END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)				END INTERVAL TWO			
<div style="border: 1px solid black; padding: 5px;"> <div style="border: 1px solid black; padding: 2px;">KEY DATE</div> <div style="border: 1px solid black; padding: 2px;">11-28-88</div> <div style="border: 1px solid black; padding: 2px;">APPLICABLE</div> </div>		<div style="border: 1px solid black; padding: 5px;"> <div style="border: 1px solid black; padding: 2px;">KEY DATE</div> <div style="border: 1px solid black; padding: 2px;">12-16-88</div> <div style="border: 1px solid black; padding: 2px;">12-16-89</div> <div style="border: 1px solid black; padding: 2px;">APPLICABLE</div> </div>				<div style="border: 1px solid black; padding: 5px;"> <div style="border: 1px solid black; padding: 2px;">KEY DATE</div> <div style="border: 1px solid black; padding: 2px;">05-22-89</div> <div style="border: 1px solid black; padding: 2px;">APPLICABLE</div> </div>			
<input type="checkbox"/> arrest <input type="checkbox"/> sum'ms <input type="checkbox"/> custody <input type="checkbox"/> appears on complaint		<input checked="" type="checkbox"/> Indictment <input checked="" type="checkbox"/> xx /unsealed <input type="checkbox"/> consent to Magr. <input type="checkbox"/> trial on complaint <input type="checkbox"/> Information <input type="checkbox"/> Felony-W/waiver				a) <input checked="" type="checkbox"/> 1st appears on pending charge /R40 b) <input type="checkbox"/> Receive file R20/21 c) <input checked="" type="checkbox"/> Supsdg. <input checked="" type="checkbox"/> Indl. Inf d) <input type="checkbox"/> Order New trial e) <input type="checkbox"/> Remand f) <input type="checkbox"/> G/P Withdrawn			
1st appears with or waives counsel 12-16-88		ARRAIGNMENT	1st Trial Ended	RE-TRIAL	2nd Trial Began	DISPOSITION DATE	SENTENCE DATE	PTD Nolle Pros.	FINAL CHARGES DISMISSED on def. on S.T. grounds on W.P. on W.O. on motion
		12-16-88			05-30-89	08-21-89			

Search Warrant Summons Arrest Warrant Issued COMPLAINT	Issued Issued Date of Arrest	DATE	INITIAL NO.	III. MAGISTRATE		OUTCOME
				INITIAL APPEARANCE DATE	PRELIMINARY EXAMINATION OR HEARING	
				<input type="checkbox"/> REMOVAL <input type="checkbox"/> HEARING <input type="checkbox"/> WAIVED <input type="checkbox"/> INTERVENING INDICTMENT	<input type="checkbox"/> NOT WAIVED Tape Number	
OFFENSE (In Complaint)						

Show last names and suffix numbers of other defendants on same indictment/information:

ATTORNEYS

U.S. Attorney or Asst.

DANIEL A. BENT Dean Paik
 by*Mark J. Bennett, Asst. U.S. Atty.

Defense: 1 CJA. 2 Ret. 3 Waived. 4 Self. 5 Non / Other. 6 PD. 7 CD

* LANI RAE SUISO GARCIA, AFPD

*JONATHAN JAMES EZER
 801 Alakea St. #209
 Honolulu, Hawaii 96813
 PH: 526-9884

*JOHN ASHFORD THOMPSON
 810 Richards St. #900
 Honolulu, Hawaii 96813
 ph: 524-6100

COLLIN K.C. LAU
 220 S. King St. #888
 Honolulu, Hawaii 96813
 ph: 533-8896

RULE 20 21 40 In Out

BAIL • RELEASE

PRE-INDICTMENT

Release Date

Bail

Denied

Fugitive

Pers. Rec.

AMOUNT SET

\$

PSA

Conditions

Date Set

10% Dep.

Surety Bnd

Collateral

3rd Ptry

Other

POST-INDICTMENT

Release Date

Bail

Denied

Fugitive

Pers. Rec.

AMOUNT SET

\$

PSA

Conditions

Date Set

10% Dep.

Surety Bnd

Collateral

3rd Ptry

Other

APPEALS FEE PAYMENTS

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

FINE AND RESTITUTION PAYMENTS			Docket Entries Begin On Reverse Side		
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER
8-30-89	113375	NA: \$5.00; DF: \$100.00			

DATE DOCUMENT NO	YR 88	Cocket No. 01650	Docket No. 01	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE 1 OF 1	VI EXCLUDABLE DELAY		
						Start Date END Date	U.S. Code	Total Days
<u>1988</u>								
Nov 23	1			V. PROCEEDINGS				
				OPTIONAL - Show last names of defendants				
				EP: SECRET INDICTMENT - BW ordered & issued; Bail set at NO BAIL -- Transcript ordered SEALED (Judith Powers) <u>TOKAIRIN</u>				
	28			EO: Informed by Mark Bennett that deft has been arrested and Indictment is unsealed				
	30			EO: Per Clerk's Office in Seattle, WA, deft to be released on bond, and will report to Dist of HI on 12-16-88 at 9:30 (T). Notified: M. Bennett				
Dec 8	2			EO: Receipt of Rule 40 documents from Seattle, Washington: (1) Certified copy of Docket Sheet (2) " " " Waiver of Rule 40 Hearing (3) Copy of Appearance Bond - \$40,000, unsecured, co-signed by wife, Rita E. Latta - travel restricted to continental U.S. & Hawaii - deft's address: 5659 42nd Ave. W., Seattle, WA 98199 - Phone: (206) 284-7285 (4) Copy of Agreement of Surety on Appearance Bond (net worth exceeds \$40,000) (5) Copy of minutes of 11-30-88 (6) Copy of Financial Affidavit (7) Copy of Initial Proceedings (11-28-88) (8) Copy of Motion for Detention Hearing cc: M. Bennett, USPO				
12	3			Return on BW - exec by Secret Service on 11-28-88 in Western Dist of Washington at Seattle				
16				EP: A&P - Deft present with counsel. Defendant waives reading of Indictment and Plea of NOT GUILTY entered. Trial dates given as follows: Final Pretrial - 01-31-89 at 9:30 am (T) Jury Selection - 02-13-89 at 9:30 am (T) Jury Trial - 02-14-89 at 9:00 (Fong) Deft's Motions due - 01-06-89 Government's response due - 01-20-89 BAIL: Bail to continue: with special condition that deft is allowed to travel between State of Hawaii, Western District of Washington, Alaska, and California. (TC) <u>TOKAIRIN</u>				
	4			ORDER Setting Conditions of Release <u>TOKAIRIN</u> \$40,000.00 Signature to be co-signed by wife Rita E. Latta usual conds and spec cond 1) travel restricted to Hawaii, W. D. of Washington, Alaska and California				
	5			Appearance Bond <u>TOKAIRIN</u> 5659 42nd Ave. W. Seattle, Wa 98199 ph: 206 284-7285				
29	6			Appearance Bond <u>TOKAIRIN</u> \$40,000.00 Signature co-signed by wife Rita E. Latta in Seattle, Wa by Deputy Clerk Peter Voelker on 12-29-88				
<u>1989</u>								
Jan 5	7			ORDER Of Recusal <u>FONG</u> Judge Fong recused -- counsel cc'd. EO: Case re-assigned to Judge Ezra				
				SEE PAGE 2				

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DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1989 Jan 31	<u>EP:</u> Final PT Conf - Because of continuity of counsel, Oral Motion to Continue Trial - GRANTED. Period from 02-13-89 to 04-11-89 to be excluded. Final PT: 03-28-89 at 10:00 (T) JS: 04-10-89 at 9:30 (T) JT: 04-11-89 at 9:00 (Ezra) Mr. Bennett to prepare order excluding time & granting motion to continue. (ESR) <u>TOKAIRIN</u>				
Feb 16 23	<u>EP:</u> SUPERSEDING INDICTMENT - PS ordered & issued; retn 02-23-89 @ 2:00 p.m. (T) (Judy Powers) <u>TOKAIRIN</u> <u>EP:</u> A&P - Deft not present. Deft to be arrned on the JS date. A&P - 04-10-89 (T) @ 9:00 a.m. PT: 03-28-89 @ 10:00 a.m. (T) JS: 04-10-89 @ 9:30 a.m. (T) JT: 04-11-89 @ 9:00 a.m. (Ezra) Defts ms due 03-16-89. Govt resp due 03-30-89 Bail - contd. <u>TOKAIRIN</u>				
Mar 16 17	8a Return on PS - exec by USM 02-17-89 via certified mail - RRR - rec'd by deft 02-23-89 9 <u>Ex Parte</u> Application to Shorten Time to Hear Motion to Dismiss Superseding Indictment Because of Prosecutorial Vindictiveness; Memorandum; Declaration; Proposed Order; Certificate of Service				
21	10 ORDER Shortening Time to Hear Motion to Dismiss Superseding Indictment Because of Prosecutorial Vindictiveness <u>EZRA</u> [set for 03-27-89 at 1:30 p.m.]				
	11 Notice of Motion [03-27-89 at 1:30 (Ezra)]; Motion to Dismiss Superseding Indictment Because of Prosecutorial Vindictiveness; Memorandum; Declaration; Certificate of Service				
22	<u>EO:</u> Hrng on Motion to Dismiss Superseding Indictment is contd from 03-27-89 to 03-31-89 at 9:00 a.m. cc: Mark Bennett, Lani Garcia <u>EZRA</u>				
28	<u>EP:</u> Final PT Conf - PT form used pursuant to Local Rule 325. Length of trial: 2 days. Mr. Bennett to prepare Final PT order. (YI) <u>TOKAIRIN</u>				
	12 Memorandum in Opposition to Motion to Dismiss				
29	13 <u>Ex Parte</u> Motion to Shorten Time; Declaration of Mark J. Bennett; ORDER <u>EZRA</u> [M/Cont. Trial set for 03-31-89]				
	14 Notice of Motion [03-31-89 at 9:00 (E)]; Motion to Continue Trial; Declaration of Mark J. Bennett				
31	<u>EP:</u> M/Dismiss Superseding Indictment; M/Continue Trial - deft's presence waived. M/Dismiss Superseding Indictment - DENIED. Court to prepare order. Motion to Continue Trial - GRANTED. Trial dates contd to: JS: 04-17-89 at 9:30 (C) JT: 04-18-89 at 9:00 (Ezra) Mr. Bennett to prepare order excluding time. (ESR) <u>EZRA</u>				
	15 Proposed Jury Instructions; Exhibit A; Certificate of Service (by govt)				
16	Trial Brief; Exhibits A-F; Certificate of Service (by govt)				

Interval
(per Section II) Start Date
End Date Ltr. Total
Code Days

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1989	(Document No.)				
Mar 31 17	ORDER Denying Motion to Dismiss Superceding Indictment <u>EZRA</u> cc: Bennett, L. Garcia				
Apr 10 18	Defendant's Memorandum Re: <u>Voir Dire</u> and Proposed Questions; Certificate of Service				
19	Objection to Magistrate Conducting <u>Voir Dire</u> ; Certificate of Service				
11 20	Government's Proposed Voir Dire Questions				
13 21	<u>Ex Parte</u> Application to Shorten Time to Hear Motion to Withdraw as Counsel; Declaration; Certificate of Service				
14 22	ORDER Shortening Time to Hear Motion to Withdraw as Counsel (Hrng set for 04-14-89 at 2:00 pm) <u>EZRA</u>				
23	Notice of Motion (hrng set for 04-14-89 at 2:00 pm [E]); Motion to Withdraw as Counsel; Declaration of Counsel; Certificate of Service				
24	Memorandum in Opposition to Motion to Withdraw; Declaration of Mark J. Bennett				
25	Defendant's Proposed Jury Instructions <u>EP:</u> Motion to Withdraw as Counsel -deft present with Lani Garcia and Jonathan Ezer. M/Withdraw - GRANTED. M/Substitution - GRANTED. Mr. Ezer substituted for Ms. L. Garcia. M/Continue Trial Date - GRANTED. JS: 05-15-89 at 9:30 a.m. (C) JT: 05-16-89 at 9:00 a.m. (Ezra) Arrned. NOT GUILTY pleas entered to Cts 1 thru 6. Court will prepare the order. (YI) <u>EZRA</u>	02-13-89 04-13-89	T	60	
17 18	25a ORDER - TOKAIRIN [re hrng of 01-31-89 - JT contd from 02-14-89 to 04-11-89; ORDER Granting Defendant's Motion to Withdraw, Motion to Sub- stitute Counsel, and Motion to Continue Trial <u>EZRA</u> [Lani Garcia and Public Defender's Office relieved as counsel; Jonathan J. Ezer enters as retained counsel; JT contd to 05-16-89] cc: Bennett, L. Garcia, Ezer, USPO	period from 02-13-89 to 04-11-89 excluded]			
27	ORDER to Show Cause <u>EZRA</u> [OSC set for 04-28-89 at 10:00 (Ezra) re reimbursement of cost of Latt's defense incurred by FPD; memoranda or affidavits in response to OSC to be filed no later than 04-26-89 at noon] cc: Bennett, L. Garcia, Ezer, USPO				
25 28	Ex Parte Motion to Shorten Time; Declaration of Jonathan J. Ezer; ORDER; Certificate of Service [Re M/Continue Hrng on OSC] <u>EZRA</u> [04-26-89 at 4:30 (Ezra)]				
29	Notice of Motion [04-26-89 at 4:30 (Ezra)]; Motion to Continue Hearing Date for the Order to Show Cause Why Elwood R. Latta Should Not Reimburse the Federal Public Defender for Litigation Expenses; Declaration of Jonathan J. Ezer				
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DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1989 Apr 26	<u>EP:</u> Deft's Motion to Continue Hearing on the Order to Show Cause - deft not present. Presence waived by counsel. M/Continue Hrng on the OSC - GRANTED. Motion continued until moved on. ORDERED that the deft file & serve this Court and the U.S. Atty a sworn financial statement within one week. (TC) <u>EZRA</u>				
28 30	Notice of Intent to Introduce Expert Testimony of Defendant's Mental Condition; Certificate of Service				
31	Ex Parte Motion to Shorten Time; Declaration of Mark J. Bennett; ORDER <u>EZRA</u> (re M/Strike - 05-01-89 at 3:00 (Ezra))				
32	Notice of Motion 05-01-89 at 3:00 Ezra); Motion to Strike or in the Alternative for a Mental Examination (by USA) <u>EP:</u> M/Strike Or In The Alternative For Mental Examination - Deft not present. Presence waived. Govt's M/Strike Designation : DENIED. Court will allow deft to introduce expert testimony of deft's mental condition. Govt's M/Mental Exam: GRANTED. ORDERED that the deft be present for the mental exam by Dr. Kappenberg on 05-05-89 @ 8:30 a.m. (ESR) <u>EZRA</u>				
May 1					
2 33	Proposed Order - by government, re mental exam				
3 34	ORDER DENYING Motion To Strike <u>EZRA</u> re: Mental Exam - Purs to Rule 12.2(c), 18:4242, Court orders deft to present himself at the Offices of Dr. Richard Kappenberg, 1188 Bishop St., Suite 2005 on 05-05-89 @ 8:30 a.m. Deft ordered to make himself available the entire day Purs 18:4247(c) Kappenburg to address 1) deft's history & present symptoms; 2)descrip of psychiatric, psycholog &/or med tests employed & their result; 3)Kappenberg's findings; 4) Kappenberg's opinions as to diagnosis, prognosis cc: Benneet, Ezer, USM, USPO				
5 35	Financial Affidavit - Filed by deft - reviewed by Judge Ezra, cc: USPO				
36	ORDER <u>EZRA</u> [RE hrg of 04-26-89; OSC re reimbursement of atty's fees to be heard at time of trial; deft to submit financial statement (sworn to under oath & notarized by notary public in state of Washington and served upon Mark Bennett)] cc: Bennett, Ezer, USPO				
10 37	Government's Response to Defendant's Proposed Jury Instructions; Exhibit A				
11	<u>EO:</u> JS & JT are contd as indicated below: JT: 05-23-89 at 9:00 a.m. JS: 05-22-89 at 9:30 (T) Notified the following by telephone: Mr. Bennett thru Pat; Mr. Ezer. <u>EZRA</u>				
17 38	Defendant's Proposed Supplemental Jury Instructions; Certificate of Service See page 5				

Interval
(per Section III)Start Date
End DateLtr.
CodeTotal
Days

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DATE	(Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
1989						
May 18	39	Psychological Evaluation <u>SEALED</u> [cc'd by govt to Judge Ezra and Jonathan Ezer]				
19	40	ORDER <u>EZRA</u> [re hrng of 04-14-89 - Lani Garcia withdrew as counsel- new counsel, Jonathan Ezer, not available for trial until 05-16-89 - time from 04-13-89 to 05-16-89 is excluded pursuant to 18:3161(h)(8)]	04-13-89	T	32	05-14-89
	41	Supplemental Trial Memorandum (by govt)				
	42	Response to Defendant's Proposed Supplemental Jury Instructions				
22	43	Motion in Limine (by govt)				
23		<u>EP:</u> JURY TRIAL - 1st Day - [Bennett present for govt; Ezer present for deft] M/LIMINE rendered moot. Jury sworn & preliminarily instructed. Govt's opening statement. Deft's opening statement. Warren Nakamura, CST. Harold M. Fong, Chief Judge, CST. James Applebaum, CST. Chester Dods, CST. Martin Wolff, CST. Ira Dennis Hawver, CST. Judge Harold M. Fong recalled. James Pro- potnick, CST. Exhibits admitted: P-1, P-3, P-4, P-5, P-6, P-7a thru P-7e, P-8, P-11 & P-12. Govt rested. NO motion made by the defense. (ESR) <u>EZRA</u>				
	44	Court's Preliminary Jury Instructions				
45		ORDER <u>EZRA</u> [Clerk's Office shall permit parties to offer into evidence original documents from Civil 87-0932 HMF; certified copies shall be substituted into original court file temporarily during trial. At conclusion of trial, original documents shall be replaced in court file and certified copies shall be substituted as exhibits]				
24	46	ORDER - <u>EZRA</u> [CT 2 of the Superseding Indictment amended so that word "efrauding" in last line of CT 2 is changed to the word "defrauding" [clerical error]] <u>EP:</u> JURY TRIAL - 2nd Day - [Bennett & Ezer present] Linda Lehmann, CST. William E. Bowers, CST. Dr. Philip G. Linsay, CST. Further trial contd to 05-25-89 at 9:00 a.m. for settling of instructions & 1:15 p.m. for further evidence. (ESR) <u>EZRA</u>				
	47	Second Response to Defendant's Proposed Supplemental Jury Instructions				
25		<u>EP:</u> JURY TRIAL - 3rd Day - [Bennett & Ezer present] Court and attys met in camera to settle instructions. Hrng held without the jury with regards to Pamela Miura-Kane, Juror #5. Juror #5 discharged by stipulation and substituted by Alternate Juror #1, Elmer Hirano. Frank David Price, Jr., CST. Elwood Latta, CST. Defense rested. Further trial contd to 05-26-89 at 9:15 a.m. (ESR) <u>EZRA</u>				

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DATE	PROCEEDINGS (continued) [Document No.]	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1989					
May 26	<u>EP:</u> JURY TRIAL - 4th Day - [Bennett & Ezer present]. Further settling of instructions. Dr. Richard Kappenberg, CST. David A. Dieter, CST. Govt rested. Exhibits admitted: P-19. Govt's opening argument. Deft's closing argument. Govt's rebuttal. Jury instructed. Alternate Juror # 2, Helene Kaniaupio, discharged. Bailiff sworn. Jury retired to deliberate (3:55 p.m. - 4:35 p.m.). Further deliberation contd to 05-30-89 at 9:00 a.m. (ESR) <u>EZRA</u>				
48	Note from the Jury				
30	<u>EP:</u> JURY TRIAL - Further Jury Deliberation - [Bennett & Ezer present]. Conference held in camera. Court advised the attys & Mr. Latta that Juror Gilbert Kuroda is ill with strep throat and was advised by his physician to remain at home until 06-01-89. After hearing arguments in favor or discharging the juror by the govt, and continuing the trial by the defense, Court discharged the juror and ordered the remaining 11 jurors to resume deliberation. Jury returned with verdict. Verdict read and filed. Deft found GUILTY as charged in the Indictment to Counts 1 thru 6. Jury polled. Verdict unanimous. Motion to Revoke Bail - GRANTED. Deft remanded to the custody of the U.S. Marshal, and ordered that mental health treatment be provided for him. Referred for presntence investigation and report, and SENTENCING set for 08-21-89 at 1:30 p.m. (YI) <u>EZRA</u>				
49	Note to the Jury <u>EZRA</u> [Court excuses Juror Kuroda]				
50	VERDICT - As to Counts 1, 2, 3 - GUILTY				
51	VERDICT - As to Counts 4, 5, 6 - GUILTY				
52	Court's Jury Instructions				
Jun 2	53 Medical Certificate from Straub Clinic & Hospital, Inc., Regarding Juror Gilbert K. Kuroda				
28	54 Motion to Vacate Conviction, Memorandum, Declaration, Exhibit "A"; Notice of Motion (no date); Certificate of Service - <u>Taken under advisement - referred to Judge Ezra</u> [CIV89-00538 DAE]				
	55 Letter from deft requesting new counsel - <u>Taken under advisement -</u> <u>referred to Judge Ezra</u> cc: bennett, Ezer, Latta, USPO				
29	56 Memorandum in Opposition to Motion Filed Pursuant to 28 U.S.C. § 2255				
30	57 ORDER Denying Motion to Vacate Conviction <u>EZRA</u> [Because deft did not object to magistrate selecting jury prior to empaneling jury, deft waived any alleged defect in that procedure] cc: Civil cc: Bennett, Ezer, USM, USPO, gistrates Tokairin, Conklin				

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DATE	PROCEEDINGS (continued)			V. EXCLUDABLE DELAY			
	(Document No.)			(a)	(b)	(c)	(d)
1989 Aug 1	58	Government's Sentencing Statement					
	59	Sentencing Statement - By Deft					
21		<p><u>EP:</u> SENTENCING - Dr. Philip Lindsay's report received under seal as defendants exhibit 1. Governments Exhibit 1 received and admitted - Affidavit of Elwood Latta.</p> <p>CST: Elwood Latta. Social Security Number: 574-09-3071 Legal Address: 5659 42nd Avenue West, Seattle, Washington 98199. 4 years imprisonment; supervised release 3 years as to each counts. Sentences to run concurrently with the following conditions:</p> <p>1) Defendant abide by the standard conditions of supervised release</p> <p>2) Defendant not commit any law violations</p> <p>3) Defendant undergo psychological or psychiatric treatment until clinically discharged and as directed by the U.S. Probation Officer.</p> <p>\$300.00 special monetary assessment imposed. Execution suspended per Ninth Circuit. Advised of right to appeal. Ordered that the Presentence Report be filed under seal, however, counsel, upon application, will have access to the report for purposes of appeal. Further ordered that the Probation Officer's recommendation be filed under separate cover. Defendants oral motion for bond pending appeal - DENIED. Court found that the defendant does not have the ability to pay a fine or the cost of imprisonment and/or supervision. (Dianna Orndoff)</p>					
					<u>EZRA</u>		
60		Judgment Including Sentence Under the Sentencing Reform Act			<u>EZRA</u>		
23		Transcript of Proceedings 08-21-89 - Orig - pp 58 - (Dianna Orndoff) - cc: USPO					
61		Presentence Investigation & Report filed & retnd to USPO					
62		SENTENCING Recommendation filed & retnd to USPO					
30	63	NOTICE OF APPEAL (By Defendant) and Certificate of Service					
64		Notice of Non-Representation on Appeal - cc: 9th CCA					
31	65	ORDER for Time Schedule - RT to be ordered by 9/20/89, RT to be filed by 10/20/89; Aplt's opening brief to be filed by 11/29/89; Aple's brief to be filed by 12/29/89; Reply brief (if any) to be filed by 1/12/90 - cc: Clerk, 9th CCA, Bennett, Ezer, Bartels Ichikawa, Chun & Orndoff					
Sept 7	66	Application To Proceed In Forma Pauperis, Supporting Documentation & Order (Proposed)					
		<u>EO:</u> Counsel also submitted a Financial Affidavit - sent to USM to have deft sworn. IFP Application not necessary per AJR					
11	67	Financial Affidavit - GRANTED by <u>EZRA</u> cc: 9CCA/AJR					
13	68	Notice of Motion - n/a, DENIED - Motion For Bail Pending Appeal; Declaration of Counsel; Certificate of Service DENIED , "The testimony at trial & the information contained in the pre-sentence report convinces this court that the defendant poses a serious flight risk. The unsupportive Start Date					

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1989	(Document No.)				
Sept 13	Cont of DENIED m/Bail Pending Appeal: declaration of counsel to the effect that defendant is not a flight risk is contradicted by the substantial weight of the evidence cc: Ezer, Bennett				
18 69	Notice; Motion to Set Aside Order Denying Motion to Vacate Conviction, for Summary Reversal of Conviction and for Setting of Bail; Declaration of Counsel; Exhibit "A"; Certificate of Service <u>Taken Under Advisement - referred to EZRA</u>				
20 70	Transcript Designation and Ordering Form - 03-31-89 (ESR); 05-01-89 (ESR); 05-23-89 (ESR); 05-24-89 (ESR); 05-25-89 (ESR); 05-26-89 (ESR); 05-30-89 (ESR); 08-21-89 (DO)				
23 71	ORDER DEFERRING Consideration Of Defendant's Motion To Set Aside Order Denying Defendant's Motion To Vacate Conviction <u>EZRA</u> -- this court finds that it lacks jurisdiction to hear deft's motion at this time, case is before 9CCA -- this court will defer consideration of deft's motion until disposition of that appeal cc: Bennett, Ezer, USPO				
Dec 12 72	APPOINTMENT - V#158150 - John Thompson - (9CCA APPT)				
1990					
Jan 16 73	Transcript Designation and Ordering Form - 5-23 to 26-89 (ESR); 5-30-89 (YI); 3-31-89 (ESR); 8-21-89 (DO) by John Thompson				
19	Transcript of Proceedings - 5-30-89 - (YI) - Orig. - 11 pgs				
Feb 9 74	Transcript of Proceedings - 5-30-89 - (YI) - Orig. - 19 pgs				
	Authorization and Voucher for Payment of Transcript - 2-13-90 - \$56.00 - (YI) - V# 2200500712 - Ck# 53125 <u>EZRA</u>				
	75 Authorization and Voucher for Payment of Transcript - 2-13-90 - \$9.44 - Professional Image Inc. - V# 2200500713 - Ck. # 53126 <u>EZRA</u>				
22	Transcript of Proceedings - 3-31-89 - (V/ARS) - Orig. - 13 pgs				
	Transcript of Proceedings - 5-23-89 - (V/ARS) - Orig. - Vol I 233 pgs				
	Transcript of Proceedings - 5-24-89 - (V/ARS) - Orig. - Vol II 180 pgs				
	Transcript of Proceedings - 5-25-89 - (V/ARS) - Orig. - Vol. III - 147 pgs				
	Transcript of Proceedings - 5-26-89 - (V/ARS) - Orig. - Vol. IV - 168 pgs				
Mar 8 76	Authorization & Voucher For Payment Of Transcript - [hrngs 03-31-89, 05-23 - 26-89, 05-25 -26-89] - V/ARS - \$1,482.00 - <u>EZRA</u>				
May 9	Certificate of Record mailed to Clerk, 9th CCA - cc: all counsel CA 89-10440				
May 21 77	ORDER - 9CCA - Appellant's M/Summary Reversal GRANTED. District Court Judgment of Conviction - Reversed. Issuance of mandate stayed until final dispo of US v. France cc: Enoki, Paik, J. Thompson, Judge Ezra				
Jun 18 78	JUDGMENT - 9CCA - Judgment of the District Court is REVERSED Filed & entered 9CCA 05-17-90 cc: Enoki, Paik, Thompson, Ezra				

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DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1990 Jul 3 79	ORDER - 9CCA - Mandate issued on 06-15-90 is RECALLED cc: Paik, Thompson, Judge Ezra				
27 80	ORDER - 9CCA - M/Bail Pending Appeal GRANTED. (by FAX) District Court's Detention ORder is REVERSED. Case remanded to District COurt for limited purpose of determining appropriate release condns cc: Judge Ezra, J. Thompson & Paik				
Aug 9 81	Notice in a Criminal Case;[08-21-90 @ 8:30 am. (E)] Bail Remand; cc. Gasner, Thompson				
21 82	EP: Hrng To Set Bail - Thompson & Burke/Paik present Bail set at \$50,000.00 personal signature & the following condns 1) Deft to surrender his passport if he has one;2) Deft is not to travel outside the W.D. Of WA without the express permission from the USPO of the W.D. WA; 3) Deft is permitted upon the application to the USPO of the W.D. WA and with good purpose shown, travel to New Hampshire to visit his daughter at reasonable intervals. It must be shown to the satisfaction of the USPO of the W.D. WA that he in fact is doing that. In addition he will have to check in w/ that prob office at a minimum of two times a week, or more often, if deemed appropriate;5) Deft remain on whatever controlling medication has been prescribed for him;6) Deft undergo random drug testing at a minimum of three times a month;7) That the deft not take any illegal substances & not consume alcohol (SP) <u>EZRA</u>				
29	EO: Deft to surrender any passport to Clerk, USDC, W.D. Washington within 48 hours of release, per Kim, Lawclerk to Judge Ezra. ORDER Setting Conditions Of Release and Appearance Bond sent via Express Mail to Clerk, USDC, District of Oregon cc: Thompson				
Sept 6 83	ORDER Directing Transportation And Processing Of Defendant's Immediate Release <u>EZRA</u> purs to hrng of 08-21-90 and USM shall immediately transport deft from Sheridan, Oregon FCI to USDC Portland, Oregon. Deft shall immed by processed for release cc: by FAX to Portland, Oregon and cc: USM, USPO				
7 84	ORDER Setting Conditions Of Release WILLIAM M. DALE, U.S. Magistrate (District of Oregon, Portland) for <u>EZRA</u> \$50,000.00 Signature, Spec Cond 1) Deft shall not travel outside the W.D. WA without express permission from USPO of the W.D. WA;2) PTS as directed by prob;3) Surrender any passport to Clerk, U.S.D.C., W.D. WA within 48 hours of release;5) Obtain no Passport;6) Deft remain on whatever controlling medication has been prescribed for him;7) Deft undergo random drug testing at a minimum of three times a month;8) Deft is permitted upon application of the USPO of the W.D. WA, & with good purpose shown, travel to New Hampshire to visit his daughter at reasonable intervals. It must be shown to the satisfaction of the USPO of the W.D. WA that he in fact				

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DATE	(Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
1990		<u>Cont of ORDER Setting Conditions Of Release:</u> is doing that. In addition he will have to check in with that pretrial office at a minimum of two times a week or more often if deemed appropriate				
Sept 7	85	Appearance Bond WILLIAM M. DALE, U.S. Magistrate District of Oregon, Portland) for <u>EZRA</u> 11501 Stone Ave. North, Apt C-124, Seattle, WA 98133 ph: 206-361-9018				
Oct 3	86	APPOINTMENT - V0158850 - J. THOMPSON - nunc pro tunc 06-21-90 - \$566.82 - (06-24-91) - <u>EZRA</u>				
1991						
Mar 22	87	JUDGMENT - 9CCA - Judgment of the District Court is REVERSED (US v. France) Filed & entered 05-17-90. Attest Date 03-20-91 cc: J. Thompson, Enoki, Paik, DAE, BST, courtroom deputies to DAE & BST, USPO, USM				
27	88	NOTICE - Resetting Conference from 9CCA Remand set for 04-03-91 at 10:00 a.m. (T) cc: Paik & Thompson				
	89	ORDER DENYING Motion To Set Aside ORDER DENYING Motion To Vacate As Moot <u>EZRA</u> deft's motion filed 09-18-89 - DENIED as Moot cc: Paik, Latta, USPO, USM				
Apr 3	90	<u>EP:</u> Resetting Conf. (9th CCA)- Deft. not present. Counsel for deft. Thompson - Special Appointment. A Panel Atty. will be appointed for the deft. Larry Tong, AUSA present. Pretrial Conference on 05-10-91 @ 10:30 a.m. before Magistrate Tokairin. Jury Selection of 05-21-91 @ 9:30 a.m. before Judge Ezra. Jury Trial to follow JS. Defendant's Motions due - 04-18-91. Government's Responses due - 05-02-91. Bail - to continue as previously set.				
5	91	APPOINTMENT - Supplemental V#0158850 (ESR) <u>TOKAIRIN</u> J. Thompson - NPT - 03-22-91 - \$84.00 - 09-17-91 - <u>EZRA</u>				
	92	APPOINTMENT - V#0371544 - Collin K.C. Lau, Esq. Nunc Pro Tunc: 04-03-91 - \$4,676.00 - 01-28-92 - <u>EZRA</u> - <u>BROWNING</u>				
May 7	93	NOTICE - FPT contd to 05-14-91 @ 10:30 a.m. (T) cc: Paik, Thompson, Lau				
14	94	<u>EP:</u> Final Pretrial Conference: The Court was informed by the parties that the deft. is considering changing his plea. Final Pretrial continued to May 17, 1991 at 9:00 a.m. (YI) <u>TOKAIRIN</u>				
	95	<u>EP:</u> Final Pretrial Conference: The Court was informed by the parties that the deft. is considering changing his plea. Final Pretrial contd. to May 17, 1991 at 9:00 a.m. (YI) <u>TOKAIRIN</u> - see next page -				

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DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
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1991					
May 17 96	EP: Motion for Change of Plea - Defendant present with counsel Colin Lau. Defendant sworn. Defendant questioned and waives reading of the Indictment. "MEMORANDUM OF PLEA AGREEMENT" filed and acceptance deferred until after review of the presentence report. Ms. Nakakuni recited the essential terms of the plea agreement. Advised of constitutional rights, trial by jury, etc. Ms. Nakakuni recited the essential elements of the charges. Guilty pleas entered to Counts 1, 2, 3, 4, 5, 6. Defendant found fully competent and court accepts guilty plea and adjudges defendant guilty as charged. Defendant referred for presentence investigation and report and sentencing set for Monday, August 26, 1991 at 1:30 p.m. before the Honorable David Alan Ezra. Bond conditions amended as follows: Defendant may travel to other states on the West Coast and must have prior approval of the U.S. Probation Office before he travels. (YI) <u>EZRA</u>				
97					
98	ORDER Setting Conditions of Release - \$50,000.00 Signature Travel: Western District of Washington. May travel to the West Coast with application to USPO of the W.D. of WA. and to New Hampshire to visit daughter. Check in with Probation office a minimum of 2 times a week or more often is deemed appropriate. Pretrial Services. Surrender passport. Remain on medication. Drug testing 3 times a month minimum. Not take illegal substance & not consume alcohol. <u>EZRA</u>				
99	Appearance Bond - 11501 Stone Ave. N. Seattle, WA 98177 Ph. (206) 361-9018		<u>EZRA</u>		
Jul 29 100	Government's Sentencing Statement; Certificate of Service				
Aug 09 101	Sentencing Statement of Defendant Elwood R. Latta; Certificate of Service				
20 102	Supplemental sentencing Statement of Defendant; Exhibit "l" Certificate of Service				
26 103	EP: SENTENCING Nakamura & C. Lau. Memorandum of Plea Agreement accepted. Allocution by deft. Adj: As to each of CTS 1,2,3,4,5 and 6 - 15 months impr w/ sup rel of 3 yrs upon the following special conds: 1. Deft not associate w/ anyone who is in possession of any narcotic controlled substance 2. Deft undergo psychological or psychiatric treatment until clinically discharged & as directed by the USPO 3. Deft not engage in consumption of alcohol to the extent of intoxication. Sentences of impr & sup rel to run concurrently w/ each other. Spec Assess - \$300.00. Adv of right to appeal.				
28 104	JUDGMENT In A Criminal Case On Remand From 9CJA	(Lisa Groulx) <u>EZRA</u> <u>EZRA</u>			

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		(a)	(b)	(c)	(d)
1991 Sep 03	Transcript of Proceedings - Orig. - pp. 36 - 08-26-91 - Lisa Groulx				
19 105	Presentence Report filed under seal and returned to USPO				
106	SENTENCING Recommendation filed under seal and returned to USPO				
Oct 28 107	Transfer of Jurisdiction - Prob 22 - purs to 18:3605 jurisdiction transferred to W.D. Washington with the following certified documents: Superseding Indictment, J&C and Docket Sheet				
Nov 7	Return on Letter of Transmittal purs to rule 22 to W.D. of Washington received on 11-01-91 MS91-223				

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